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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,426	08/28/2000	Yossi Lev	2166/1	5644

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Dr Mark Friedman Ltd
c/o Bill Polkinghorn Discovery Dispatch
9003 Florin Way
Upper Marlboro, MD 20772

EXAMINER

HERNANDEZ, NELSON D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

81

Office Action Summary	Application No.	Applicant(s)	
	09/648,426	LEV ET AL.	
	Examiner	Art Unit	
	Nelson D. Hernandez	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 8-12, 15-18, 26-30 and 33-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14, 19-25, 31, 32, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges the amended claims filed June 11, 2006. Claims 1, 19 and 21 have been amended. Claims 8-12, 15-18, 26-30 and 33-37 have been withdrawn from consideration as drawn to a non-elected species.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7, 13, 14, 19-25, 31, 32, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilska, US Patent 6,427,078 B1 in view of Fähræus, WO 99/60467.**

Regarding claim 1, Wilska discloses a method for providing added utility to a single video camera (See fig. 1) said method comprising the steps of:

(a) manually aiming the video camera to capture a plurality of frames of video containing visually perceptible data (camera shown in fig. 1 is a hand-held camera, therefore Wilska teaches the limitations of manually aiming the video camera to capture a plurality frames containing visually perceptible data);

(b) capturing and storing said plurality of frames of video containing visually perceptible data by the at least one video camera (Fig. 1: 14; col. 3, lines 54-65);

(c) opening at least one channel of communication (Fig. 3: 17 and 1: 18) and transmitting therethrough said visually perceptible data (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13);

(d) receiving said plurality of frames of video containing visually perceptible data by at least one device capable of communication (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13) (The notebook computer shown in fig. 1 is also capable of receiving image information from another communication device using the cellular mobile telephone shown in fig. 3: 17; Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13), and

(e) processing said plurality of frames of video containing visually perceptible data so that the processed data acquires added utility (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13) (The is notebook computer shown in fig. 1 is also capable of receiving image information from another communication device and process the received image to provide added utility, i.e. OCR, business card, etc.); wherein the video camera is permanently attached to a cellular telephone (See col. 3, lines 36-40) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33). Wilska also discloses that the processing includes optical character recognition (Col. 5, lines 6-64).

Wilska does not explicitly disclose sequentially capturing and storing said plurality of frames and that the processing includes mosaicing followed by optical character recognition.

However, sequentially capturing and storing a plurality of frames and mosaicing said plurality of frames prior to perform optical character recognition is notoriously well known in the art as taught by Fåhraeus. Fåhraeus teaches a method of scanning hardcopy documents comprising the steps of manually aiming the imaging device (Fig. 1) to capture a plurality of frames containing visually perceptible data (Page 10, line 29 – page 11, line 24); sequentially capturing and storing said plurality of frames containing visually perceptible data by the imaging device (Page 10, line 29 – page 11, line 24; page 11, line 35 – page 12, line 20); obtaining a mosaic image using the plurality of frames (Page 13, lines 5-15; page 15, lines 26-34); after the plurality of frames have been composed to form the mosaic image, optical character recognition is applied to said mosaic image (Page 14, lines 8-25; page 16, lines 19-32) in order to record in a memory of transmit to another device the interpreted text from the mosaic image (Page 11, lines 3-24).

Therefore, taking the combined teaching of Wilska in view of Fåhraeus as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wilska by sequentially capturing and storing said plurality of frames and that the processing includes mosaicing followed by optical character recognition. The motivation to do so would have been to record text from a hardcopy

document that could then be either recorded in a memory in text format or transmitted to another device as suggested by Fåhraeus (Page 11, lines 3-24).

Regarding claim 2, claim 2 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gostelj, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the visually perceptible data includes at least a portion of a printed document (Col. 5, lines 53-58).

Regarding claim 3, claim 3 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gostelj, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the step of processing occurs during at least one time selected from the group consisting of prior to transmitting through said at least one channel of communication (Col. 5, lines 7-64) and after transmission through said at least one channel of communication (Col. 5, line 65 – col. 6, line 32).

Regarding claim 4, claim 4 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the

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claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that said at least one device capable of communication is at least one device selected from the group consisting of an internet server (Col. 7, line 44 – col. 8, line 4 teaches sending electronic mails, sending electronic mails requires the use of an internet server), a cellular telephone (Fig. 3: 17) and a personal computer (Fig. 1) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 5, claim 5 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Wilska in view of Fåhraeus as applied to claim 1 teaches that the step of processing includes a sub-step of resolution enhancement (Fåhraeus teaches scaling down the sub-images to a predetermined format and also performing grey scale normalization to each pixel; see Fåhraeus, page 16, lines 8-18).

Regarding claim 6, Wilska discloses creating a legible image of at least a portion of a document (Col. 5, line 6 – col. 6, line 33).

Regarding claim 7, Wilska discloses that the sub-step of optical character recognition is employed to generate an editable text document from an image (Col. 5, line 6 – col. 6, line 33).

Regarding claim 13, Wilska discloses further comprising the step of transmitting said legible image of at least a portion of a document (Col. 5, line 6 – col. 6, line 33).

Regarding claim 14, Wilska discloses transmission of said editable text document to at least one of said at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Regarding claim 19, Wilska discloses a system for providing added utility to a single video camera (See fig. 1), said system comprising:

(a) the single video camera (Fig. 1: 14) adapted to be manually aimed to capture a plurality of frames of videos (camera shown in fig. 1 is a hand-held camera, therefore Wilska teaches the limitations of manually aiming the video camera to capture a plurality frames containing visually perceptible data) containing visually perceptible data and containing a memory device (Fig. 3: 13) capable of at least transiently storing said plurality of frames of captured video containing visually perceptible data;

(b) at least one device capable of communication (Fig. 3: 13 and 1: 18), said at least one device capable of communication being designed and configured for receiving said a plurality of frames of video containing visually perceptible data, said at least one device capable of communication being further capable of opening least one channel of communication and transmitting there through said visually perceptible data (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13); and

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(c) at least one processing device (Fig. 3: 2) designed and configured to process the visually perceptible data so that the processed data acquires added utility (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13);

wherein the at least one video camera is permanently attached to a cellular telephone (See col. 3, lines 36-40) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33). Wilska also discloses that the processing includes optical character recognition (Col. 5, lines 6-64).

Wilska does not explicitly disclose that the video camera is adapted to capture sequentially a plurality of frames of video containing visually perceptible data and that the processing includes mosaicing followed by optical character recognition.

However, sequentially capturing and storing a plurality of frames and mosaicing said plurality of frames prior to perform optical character recognition is notoriously well known in the art as taught by Fåhraeus. Fåhraeus teaches a method of scanning hardcopy documents comprising the steps of manually aiming the imaging device (Fig. 1) to capture a plurality of frames containing visually perceptible data (Page 10, line 29 – page 11, line 24); sequentially capturing and storing said plurality of frames containing visually perceptible data by the imaging device (Page 10, line 29 – page 11, line 24; page 11, line 35 – page 12, line 20); obtaining a mosaic image using the plurality of frames (Page 13, lines 5-15; page 15, lines 26-34); after the plurality of frames have been composed to form the mosaic image, optical character recognition is applied to said mosaic image (Page 14, lines 8-25; page 16, lines 19-32) in order to record in a

memory of transmit to another device the interpreted text from the mosaic image (Page 11, lines 3-24).

Therefore, taking the combined teaching of Wilska in view of Fåhraeus as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wilska by sequentially capturing and storing said plurality of frames and that the processing includes mosaicing followed by optical character recognition. The motivation to do so would have been to record text from a hardcopy document that could then be either recorded in a memory in text format or transmitted to another device as suggested by Fåhraeus (Page 11, lines 3-24).

Regarding claim 20, claim 20 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the visually perceptible data includes at least a portion of a printed document (Col. 5, lines 53-58).

Regarding claim 21, claim 21 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will

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anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the at least one processing device processes said plurality of frames of video containing visually perceptible data in at least one location selected from the group consisting of in the video camera (Fig. 1: 14) and in at least one of said at least one device capable of communication (Fig. 3: 17 and fig. 1: 18) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 22, claim 22 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that said at least one device capable of communication is at least one device selected from the group consisting of an internet server (Col. 7, line 44 – col. 8, line 4 teaches sending electronic mails, sending electronic mails requires the use of an internet server), a cellular telephone (Fig. 3: 17) and a personal computer (Fig. 1) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 23, claim 23 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior

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art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Wilska in view of Fåhraeus as applied to claim 19 teaches that the step of processing includes a sub-step of resolution enhancement (Fåhraeus teaches scaling down the sub-images to a predetermined format and also performing grey scale normalization to each pixel; see Fåhraeus, page 16, lines 8-18).

Regarding claim 24, claim 24 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that a legible image of at least a portion of a document is created (Col. 5, line 6 – col. 6, line 33).

Regarding claim 25, Wilska discloses that an editable text document is created from an image by optical character recognition (Col. 5, line 6 – col. 6, line 33).

Regarding claim 31, Wilska discloses transmitting the editable text document to at least one of said at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Regarding claim 32, Wilska discloses transmission of said editable text document to at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Regarding claim 38, the combined teaching of Wilska in view of Fåhraeus as applied to claim 1 teaches that the processing includes resolution enhancement between said mosaicing and said optical character recognition (Fåhraeus teaches scaling down the sub-images to a predetermined format and also performing grey scale normalization to each pixel; see Fåhraeus, page 16, lines 8-18).

Regarding claim 39, the combined teaching of Wilska in view of Fåhraeus as applied to claim 19 teaches that the at least one processing device processes the visually perceptible data by said mosaicing followed by resolution enhancement followed by said optical character recognition (Fåhraeus teaches scaling down the sub-images to a predetermined format and also performing grey scale normalization to each pixel; see Fåhraeus, page 16, lines 8-18).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
August 18, 2006

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a long horizontal line extending from the end of the signature.

VIVEK SRIVASTAVA
PRIMARY EXAMINER